

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 742 of the Regular Session

As Engrossed: H3/12/07 S3/22/07

A Bill

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

HOUSE BILL 2248

4  
5 By: Representative D. Hutchinson  
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8 **For An Act To Be Entitled**

9 AN ACT TO PROTECT THE CONFIDENTIALITY OF JUVENILE  
10 RECORDS; AND FOR OTHER PURPOSES.

11  
12 **Subtitle**

13 TO PROTECT THE CONFIDENTIALITY OF  
14 JUVENILE RECORDS.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 9, Chapter 28, Subchapter 2 is amended  
20 to add an additional section to read as follows:

21 9-28-217. Juvenile records confidentiality.

22 (a) Except as provided in subsection (c) of this section, reports,  
23 correspondence, memoranda, case histories, or other material that personally  
24 identifies a juvenile, including protected health information, compiled or  
25 received by a juvenile detention facility, a community-based provider for the  
26 Division of Youth Services of the Department of Health and Human Services, or  
27 the division, shall be confidential and shall not be released or otherwise  
28 made available except to the following persons or entities and to the extent  
29 permitted by federal law:

30 (1) The juvenile;

31 (2) The juvenile's parent, guardian or custodian;

32 (3) The juvenile division of circuit court and court staff;

33 (4) The ombudsman of youth committed to the division;

34 (5) The attorney for the juvenile;

35 (6) The attorney ad litem for the juvenile;



1           (7) A grand jury or a court upon a finding that information in  
2 the juvenile's record is necessary for the determination of an issue before  
3 the court or the grand jury;

4           (8)(A) Individual federal and state representatives and senators  
5 and their staff members in their official capacity;

6           (B) However, no disclosure shall be made to any committee or  
7 legislative body of any information that identifies any recipient of services  
8 by name or address unless the juvenile, the juvenile's attorney, and the  
9 juvenile's parent, guardian or custodian agree in writing to waive  
10 confidentiality and permit disclosure to the committee or legislative body.

11          (9) Law enforcement or the prosecuting attorney;

12          (10) Service providers, including health care providers, to  
13 assist in the care, evaluation, examination, or treatment of the juvenile;

14          (11) A governmental agency for an audit or similar activity  
15 conducted in connection with the administration of any plan or program if the  
16 governmental agency is authorized by law to conduct the audit or activity;

17          (12) A court-appointed special advocate upon presentation of an  
18 order of appointment;

19          (13) A federal program or federally assisted program that  
20 provides assistance, in cash or in kind, or services directly to individuals  
21 on the basis of need;

22          (14) A federal, state, or local government entity or any agent  
23 of the entity, having a need for the information in order to carry out their  
24 responsibilities under law to serve or protect a juvenile delinquent or a  
25 juvenile who is a member of a family in need of services;

26          (15) Any licensing or registering authority, may access to the  
27 extent necessary to carry out its official responsibilities;

28          (16) A multi-disciplinary team coordinating a child maltreatment  
29 investigation pursuant to the Child Maltreatment Act pertaining to the  
30 juvenile; and

31          (17) The general public about any juvenile fatality if the death  
32 occurred when the Division of Youth Services, a detention center or a  
33 community-based provider had responsibility for placement and care of the  
34 juvenile.

35          (b)(1) Any person or agency to whom disclosure is made shall not  
36 disclose to any other person not identified in subsection (a) of this section

1 a report or other information obtained pursuant to this section.

2 (2) Nothing in this subsection shall be construed to prevent  
3 subsequent disclosure by the parent, guardian or custodian, the juvenile or  
4 the juvenile's attorney.

5 (3) Any person disclosing information in violation of this  
6 subsection shall be guilty of a Class C misdemeanor.

7 (c) No information pertaining to a juvenile shall be released by a  
8 juvenile detention facility, a community-based provider for the division, or  
9 the division after the juvenile reaches eighteen (18) years of age unless:

10 (1) The juvenile remains in the custody of the division;

11 (2) The juvenile consents; or

12 (3) An order requiring release of the information is entered by  
13 a court or a grand jury.

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15 */s/ D. Hutchinson*

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17 *APPROVED: 3/30/2007*

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